



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

July 19, 1990

Ms. Sarah B. Wiegand
Assistant City Attorney
City of Arlington Texas
200 West Abram Street
Box 231
Arlington, Texas 76004-0231

OR90-306

Dear Ms. Wiegand:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9705.

The City of Arlington received two open records requests from an attorney whose client has filed a notice of claim against the city for damages to his automobile at a road construction site. Both of the attorney's requests are for records directly pertaining to the placement of barricades and street markings in the construction area. We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 346 (1982), a copy of which is enclosed, resolves your request. Because the filing of a notice of claim is necessarily a first step in pursuing litigation against the city, see Civ. Prac. & Rem. Code § 101.101, and the statute of limitations has not yet run, it is reasonable for the city to anticipate litigation concerning this matter. Consequently, you may withhold the requested information at this time pursuant to section 3(a)(3).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-306.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

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SG/RWP/le

Ref.: ID# 9705
ID# 8915

Enclosure: Open Records Decision No. 346

cc: Joshua A. Smith
Attorney
325 S. Mesquite
Arlington, Texas 76010